



Application No: 10/829,535
Affidavit Under 37 C.F.R. §1.132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 10/829,535

Filing Date: April 22, 2004

Applicant(s) Larry J. Verbowski

Group Art Unit: 3616

Confirmation No: 7312

Examiner: Leonard McCreary

Title: ADJUSTABLE TORSION BAR LEVER

Attorney Docket No: 710220-2

Customer No: 59582

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT UNDER 37 C.F.R. §1.132

Sir:

Larry J. Verbowski, being duly sworn, deposes and says:

EXPERT IN THE FIELD OF VEHICULAR SUSPENSION

1. I am a citizen of the United States of America. I am the sole inventor of the invention described in United States Serial No. 10/829,535. I have more than 25 years experience in the business of repairing and maintaining vehicular torsion bar suspension systems. I have a thorough knowledge of vehicular chassis and suspension systems for most make and model vehicles.
2. I have successfully completed the following training in the Automotive field:
 - Two years formal training and certification in automotive service
 - Moog chassis and steering service training

- ACDelco service training ASE Certified (Automotive Service Excellence)
- Continuing training in all areas of truck and automotive service

3. I have earned the following certifications in the Automotive field:

- Steering
- Chassis
- Brakes, including antilock
- Wheel Alignment
- ASE Master Certified in Collision Repair including both conventional frame and unit body Damage Repair

SUMMARY OF CLAIMED INVENTION

4. As expressed in my newly presented independent claims 36, 40 and 43, my invention is a method and apparatus for extending the useful life of a fatigued torsion bar by re-orienting a hub in an adjustment lever to achieve a slight incremental adjustment of the tip portion of the adjustment lever relative to the torsion bar.
5. The primary advantage of my invention is described in my patent application at Paragraphs [008-0012], [0034], and in the Abstract of the Disclosure. My claimed invention extends the service life of a typical torsion bar. The claimed invention is, in its commercially current form, a retro-fit solution to a problem experienced by millions of motor vehicles.

SECONDARY EVIDENCE: COMMERCIAL SUCCESS

6. In assessing the patentability of my invention, the Examiner is urged to consider evidence of commercial success attributable directly to the claimed invention. Specifically, the claimed invention has been commercially offered for sale in the United States for approximately three years (3), during which time more than 13,200 units have been sold. This commercial success is directly attributable to the claimed features of my invention, namely the removable intermediate hub design that enables the useful life of a fatigued torsion bar to be extended without sacrificing the functionality of the stock screw adjustment mechanism.

SECONDARY EVIDENCE: INDUSTRY ACCEPTANCE

7. Specialty Equipment Market Association (SEMA) is an internationally recognized trade association that has been serving the motor vehicle equipment manufacturing community for approximately 40 years (www.sema.org). Each spring, SEMA sponsors an ubiquitous

trade show known as "SEMA Spring Expo." Only trades people are permitted to attend the Spring Expo, where special emphasis is placed on trucks and SUVs. Exhibitors display a variety of products and services covering accessories, styling, wheels and tires, and mobile electronics. Each year at the Spring Expo, winners are selected from among all of the exhibitors for "Best in Class" in various categories, one of those categories is "Best New Product Under \$500."

8. At the 2006 SEMA Spring Expo, held March 24-25 at the Indiana Convention Center in Indianapolis, Indiana, I exhibited commercial versions of the claimed invention. From among more than 200 exhibiting manufacturers, my claimed invention was selected to receive the coveted "Best New Product Under \$500" award. Attached hereto as **Appendix A**, is a photograph depicting the award (center image) bestowed upon the claimed invention.
9. **Appendix B** contains a portion of an article appearing on pages 50-53 of the May/June 2006 (Volume 17, Issue 4) edition of Trucking Times & Sport Utility News. The article highlights activities at the 2006 SEMA Spring Expo. On page 53, a photograph of myself appears as I am receiving the Best New Product Under \$500 award.
10. **Appendix C** presents a letter (undated) that I received from Mr. Dave Herrmeyer, founding publisher and editor of the Trucking Times publication. Mr. Herrmeyer served as a judge at the 2006 SEMA Spring Expo. The letter from Mr. Herrmeyer recounts laudatory comments about my claimed invention, stating, "I have reviewed new products at shows for nearly 20 years, and was impressed that someone has come up with a product that is not only truly unique, but one that also provides a practical solution to a long-standing vehicle modification challenge."
11. My commercial version of the claimed invention has also been enthusiastically received by retailers in the industry. **Appendix D** represents photocopies from the respected Stempf 2006/2007 Wheel Alignment Product and Tool Guide Catalog. The front cover of this catalog includes a photograph of the claimed invention. The inside cover also includes an image of the claimed invention. The claimed invention is offered for sale on page 130, but additional references, together with images, of the claimed invention appear again on pages 204, 220, 252 and 266. These numerous references throughout the catalog to the claimed invention underscore the enthusiasm a major retailer like Stempf has for the market potential of the claimed invention.
12. **Appendix E** includes the cover page together with page 342 of the Summit Racing Equipment Catalog, May-June 2007 issue. The Summit Racing Equipment Catalog is a highly respected retailer and publication containing more than 386 pages of product offerings. My claimed invention appears on page 342 of this catalog. Due to Summit Racing Equipment's jealously guarded reputation for offering only high quality, reliable products, my commercial version of the claimed invention appearing in this catalog evidences the substantial integrity and good will that has been acquired by the claimed invention within the consuming public.

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SECONDARY EVIDENCE: LAUDITORY ARTICLES
AND ADVERTISING LITERATURE

13. The claimed invention was honored in a news publication, as depicted in Appendix F. Here, the March 16, 2006 edition of The Saginaw News, features an interview with me describing and depicting the claimed invention in highly favorable terms.
14. Appendix G includes a collection of advertising literature describing and depicting the claimed invention. The Examiner will appreciate from the quality of these advertising materials, that my claimed invention is a real, commercially viable product whose market potential will be directly influenced by the allowance of this patent application.
15. I am of the opinion that the public is not in possession of my claimed invention through the prior art made of record in my patent application. My commercial successes and industry praises testify to the fact that my invention is unique and non-obvious.
16. For the reasons stated above, I respectfully request the Patent Office issue a Notice of Allowance for this patent application without further delay.
17. I declare under the penalty of perjury, under the laws of the United States, that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on this 19th day of July, 2007, at Saginaw, Michigan.

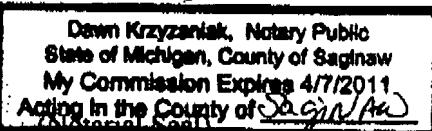
Larry J. Verbowski
Larry J. Verbowski

State of MICHIGAN

ss:

County of Saginaw

On this 19th day of July, 2007, before me, a Notary Public, personally appeared the above named person, personally known to me and known by me to be the person who executed the foregoing instrument and subscribed the same in my presence, and acknowledged the same to be their free act and deed.



Dawn Krzyzaniak
Notary Public, Saginaw County,
My Commission expires 4/7/2011
Acting in Saginaw County



LATEST LIGHT TRUCK SALES SUMMARY by WardsAuto.com

truckngtimes.com

TruckingTimes® & Sport Utility News

A Wiesner Publication

May/June 2006 Volume 17 Issue 4

TOWING TROUBLES SOLVED!

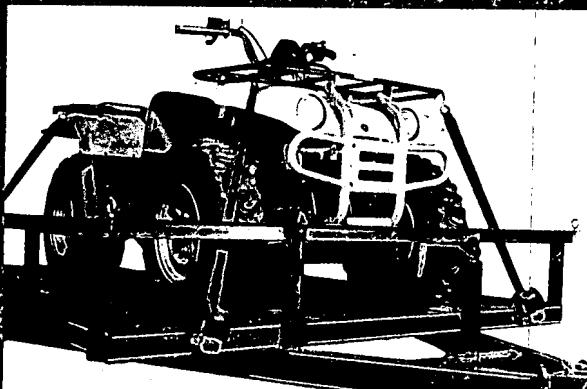
Take The Trouble Out Of Towing

SEMA SPRING EXPO RETURNS — SERVING THE MIDWEST

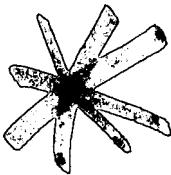
Walk The Aisles And Check
Out The Offerings With Editor
David Herrmeyer

2006 TOWING BUYERS GUIDE

Must-Have Towing
Products You Won't
Want To Miss



Towing A Display Road Show: Trailers



Larry Verbowski (right) — shown here with his family — of Suspension Maxx was awarded LTAA's Best New Product Under \$500 award for the MaxxCam 2. Larry's innovative, patent pending torsion bar levers are designed to let buyers choose just what amount of height change is needed to raise the front end and level their truck. Each kit fits all models and torsion bar loads and is made from 4140 alloy steel utilizing the latest technology for heavy duty off-road use. For fast product information enter product code 355 at www.truckingtimes.com or circle the Product Information Card



David Herrmeyer, founding publisher and editor of *Trucking Times & Sport Utility News Magazine* was given the Jim Boré Lifetime Achievement Award. Lori Gosselin from 3M Automotive Division presented the award on behalf of PRO, the Professional Restylers Organization Council of SEMA.

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As the editor of Trucking Times Magazine, I recently had the responsibility of helping to judge the new products on display at the SEMA Spring Expo. The MAXXCAM2, RAMMcam, and the FXcam from SuspensionMAXX were showcased. These were by far the most unique items on display. ~~I have reviewed new products at shows for nearly 20 years, and was impressed that someone has come up with a product that is not only truly unique, but one that also provides a practical solution to a long-standing vehicle modification challenge.~~ From the work truck that hauls heavy loads to the SUV that takes the sportsman hunting and fishing, its crafty gear design is simple and easy to install while solving a complex problem. It has the right fix for each driver's needs.

All items were judged for design, innovation, and quality. The SuspensionMAXX cam leveling systems excelled in every area! We proudly chose them as SEMA's BEST NEW PRODUCT! With millions of trucks on the road the MAXXCAM2 has the potential for a very bright niche-market future. Congratulations, Larry.

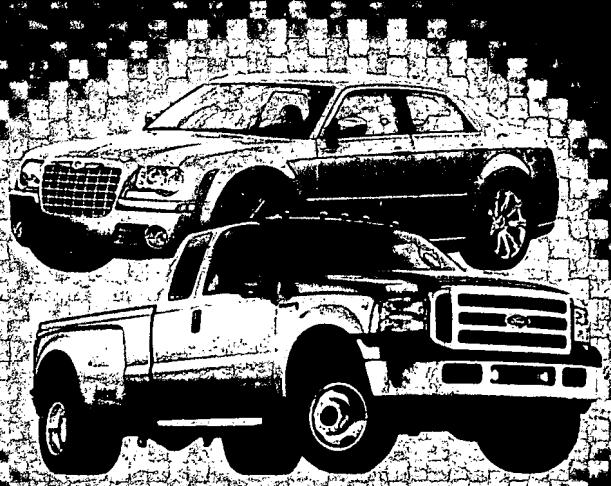
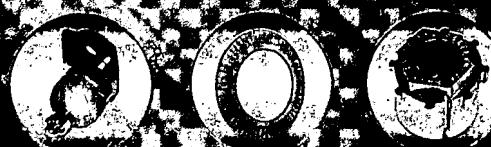
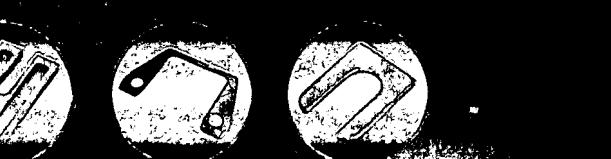
Dave Hermeyer, Founding Publisher/Editor

TRUCKING TIMES Times Work, Play, & SUV Magazine

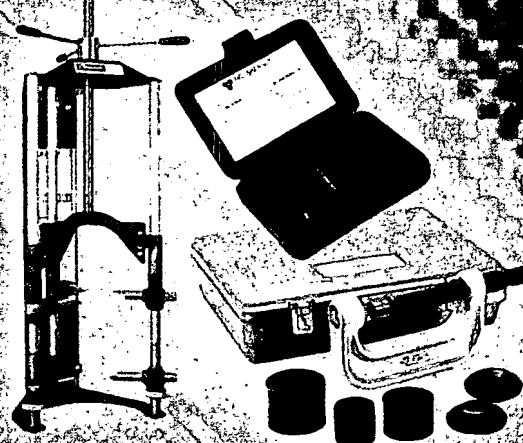
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SUSPENSION PRODUCTS . . .

- Shocks by KYB
- Struts & Cartridges by KYB
- Steering Stabilizers by Heckethorn & KYB
- Air Adjustable Suspension Aids by Air Lift & Firestone
- Helper Springs & Sway Bars by Hellwig
- Leveling Kits by Daystar & Suspension Maxx

PERFORMANCE SUSPENSIONS . . .

- Shocks and Struts by KYB
- Springs by Progress Technology
- Sway Bars & Springs by Suspension Techniques
- Truck and SUV Performance Parts by Belltech

FRONT WHEEL DRIVE COMPONENTS . . .

- Boot Kits by Uni-Fit
- New Driveshafts by GSP
- Hub & Bearing Assemblies by PTC (Powertrain Components), Precision Automotive & CR/SKF
- 4x4 Locking Hubs by Mile Marker

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Stempf Automotive Industries, Inc. has been a pioneer in the wheel alignment business for nearly 70 years, that's why we have the most complete line of alignment products in the world.

In addition to the research and manufacture of our own line of products, we also handle over 10,000 other undercar products and accessories from over 100 leading manufacturers at some of the most attractive prices you'll ever see. So if you're looking for Brake Pads, Chassis Parts, Wheel Weights or any other undercar product you can think of, give us a call at 1-800-322-4460. We'll surprise you with what we have.

CHASSIS PARTS . . .

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SUPPLIES . . .

- Fasteners by Dorman
- U-Joints by CR/SKF & Falcon
- Bearings & Seals by PTC (Powertrain Components) & Precision Automotive
- Chemicals by CRC
- Strut Bearings by NAPD
- Strut Mounting Plates by NAPD
- Wheel Weights by Perfect & Hodge
- Tire Valves & Accessories by 31 Incorporated
- Brake Cutting Tips & Accs by Amraco, Hennessy & TMR

FLEET & HEAVY DUTY TRUCK . . .

- Wheel Alignment Products & Tools by Stempf, Northstar, OTC & Tru-Balance
- Chassis Parts by Elgin, TRW, Falcon & Spicer
- Kingpins by Kaiser & Elgin
- Shocks by KYB
- Wheel Weights by Perfect & Hodge
- Brake Pads & Rotors by Power Stop
- Power Steering Gears & Pumps by Atsco

TOOLS & EQUIPMENT . . .

- Special Tools by Stempf, OTC, Branick, Blackhawk, Old Forge, Northstar, Central Tool, Lincoln, Sunex, Grey, Wackon & others!
- Shop Equipment by Wheel-A-Matic, JH Bender, Hunter, Rel's Manufacturing, OTC, Unitec, Quality Stainless Products & Tru-Align

□ □ □ or any other tool
you can think of!

NEW - Light Truck Lift and Leveling Solutions!

Leveling kits have become BIG BUSINESS!

- Give your customers that aggressive stance they are looking for!
- Run bigger tire/wheel combinations!
- Easy to sell, easy to install!
- Add a great new profit center to your business!

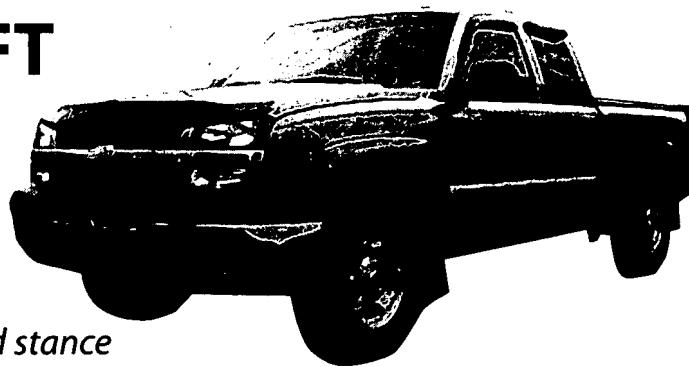
See pages 130 & 131 for details!





ADJUSTABLE TORSION BAR KEYS FOR RIDE HEIGHT CORRECTION & LIFT

- Run bigger tire/wheel combos
- Increase suspension travel
- Add adjustability to sagging torsion bars
- Increase front ride height for a leveled stance
- Made in USA from heat treated 4140 alloy steel



PART #MCS-2

CHEVY/GMC ADJUSTABLE TORSION BAR KEY SET

Applications:		Adjustment Range:	Required/ Vehicle:
Chevy Silverado/Suburban/Tahoe & Avalanche 4x4	1999-05 2002-05	0 to 2.75" (1/2 ton)	1 set
GMC Sierra/Suburban/Yukon 4x4	1999-05	0 to 1.75" (3/4 & 1 ton)	1 set

Torsion Key Removal / Installation Tool Required. See pages 233-234.



PART #FXS-2

FORD ADJUSTABLE TORSION BAR KEY SET

Applications:		Adjustment Range:	Required/ Vehicle:
Ford F Series trucks & SUVs with torsion bar suspensions	1997-03	0 to 2.0"	1 set

Torsion Key Removal / Installation Tool Required. See pages 233-234.



PART #RCS-2

DODGE RAM ADJUSTABLE TORSION BAR KEY SET

Applications:		Adjustment Range:	Required/ Vehicle:
Dodge Ram 1500 4x4	2002-05	0 to 3.0"	1 set

Torsion Key Removal / Installation Tool Required. See pages 233-234.



Miscellaneous Alignment Products

Make/Model	year	top or bottom	FRONT					REAR		
			3/8"	1/2"	5/8"	3/4"	1"	1/2"	1"	1-1/2"
PICK-UPS 4 X 4 - GMC										
Envoy	02-04	B						1621	1627	1628
Yukon / Yukon XL	02-04	B						1621	1627	1628
PICK-UPS 4 X 4 - JEEP										
Cherokee XJ	84-01	B	1702	1703	1704	1705	1706			
Grand Cherokee ZJ	93-98	B	1702	1703	1704	1705	1706	1703	1706	
Wrangler TJ	97-04	B	1702	1703	1704	1705	1706			

1 & 2 STAGE ALUMINUM COIL SPRING BLOCKS



3029

Fits most front coils & Chevrolet Front & rear Two Stage, 1" in height - low side, 1-3/16" in height - high side. Sold individually.



3025

Fits most front coils Single Stage, 1" in height. Sold individually.



3026

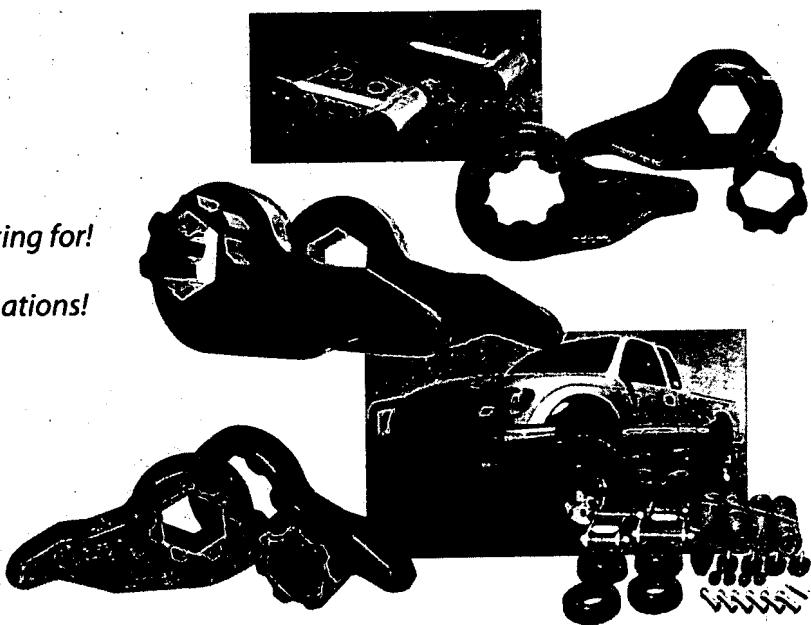
Fits Rear coils of Chevrolet, Pontiac, Chrysler & GMC trucks Single Stage, 1-9/16" in height. Sold individually.

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Leveling kits have become BIG BUSINESS!

- ✓ Give your customers that aggressive stance they're looking for!
- ✓ Run bigger tire/wheel combinations!
- ✓ Easy to sell, easy to install!
- ✓ Add a great new profit center to your business!

See pages 130 & 131 for details.





Light Truck Service Tools

FORD 4WD FRONT WHEEL BEARING TOOLS

1902

No. 1902 socket is used to loosen or tighten the front wheel bearing locknut.



Applications:

Ford	Bronco II	1984-97
	Explorer	1993-97
	Ranger pickup	1984-97

All with four-wheel-drive and automatic hubs

1902

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See pages 130 & 131 for details!





Brake Tools & Accessories



FORD BRAKE SPRING TOOL

7456

- Remove & install hold-down springs on rear drum brakes
- Won't damage the equipment. Prevents injuries to you
- For use on 3/4 and 1 ton pickups and vans from '67-04



REAR BRAKE BACKING PLATES FOR GM VEHICLES

- Meet or exceed OEM spec's
- Fit perfectly on both right & left sides
- Includes plate, anchor pin and self-locking hardened steel hex nut

GM52

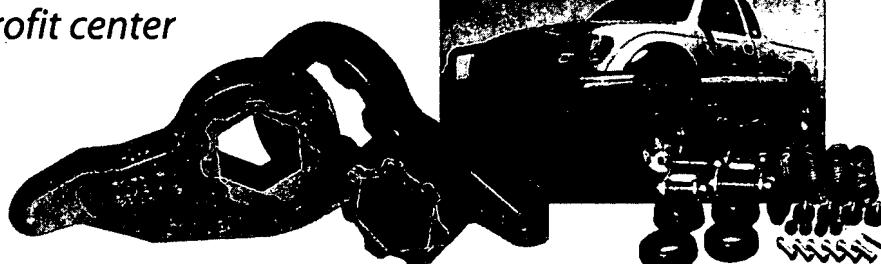
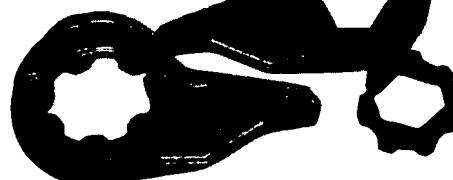
Fits: '79-'84 Caballero & Sprint, '83-'84 T15, '78-up Cutlass, '82-'86 Bonneville, '82-up Firebird metric, '78-'80 Grand Am & LE, '78-up Grand Prix, '77-'81 LeMans & Tempest & GTO, '78-'81 Century, '78-up Regal, '78-'83 Malibu, '78-'90 Monte Carlo, '82-up Camaro metric, '78-'90 El Camino, '82-'84 S10 (2WD), '84 T10 (4WD).

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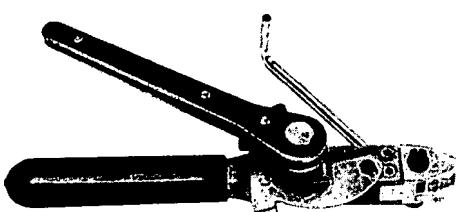
See pages 130 &
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NATIONWIDE HELPLINE: 1(800) 328-4460



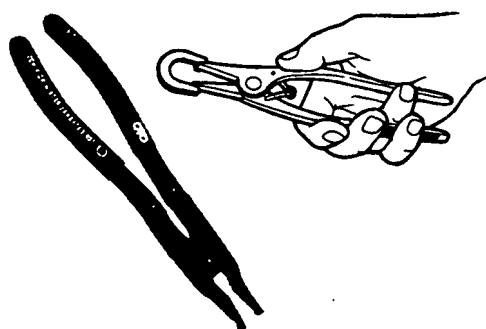
FWD Tools & Accessories



DELUXE "BAND-IT" BAND TOOL

88-441

Designed to work with the low profile "Band-It" clamps used to hold "CV" boots on all front wheel drive vehicles.



SNAP RING PLIERS

714

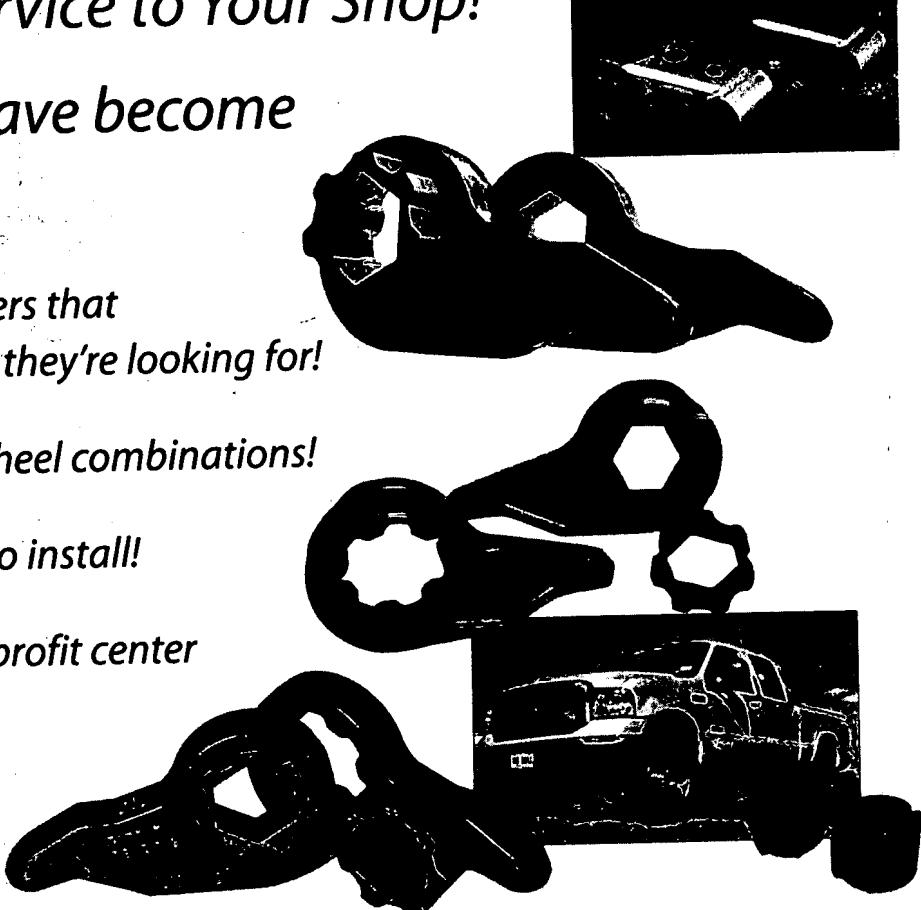
This ruggedly built OTC plier is designed to spread and remove horseshoe lock rings used on hydraulic brakes, differentials, transmissions, and C.V. joints. Plier has a handle length of 8".

Add a New Service to Your Shop!

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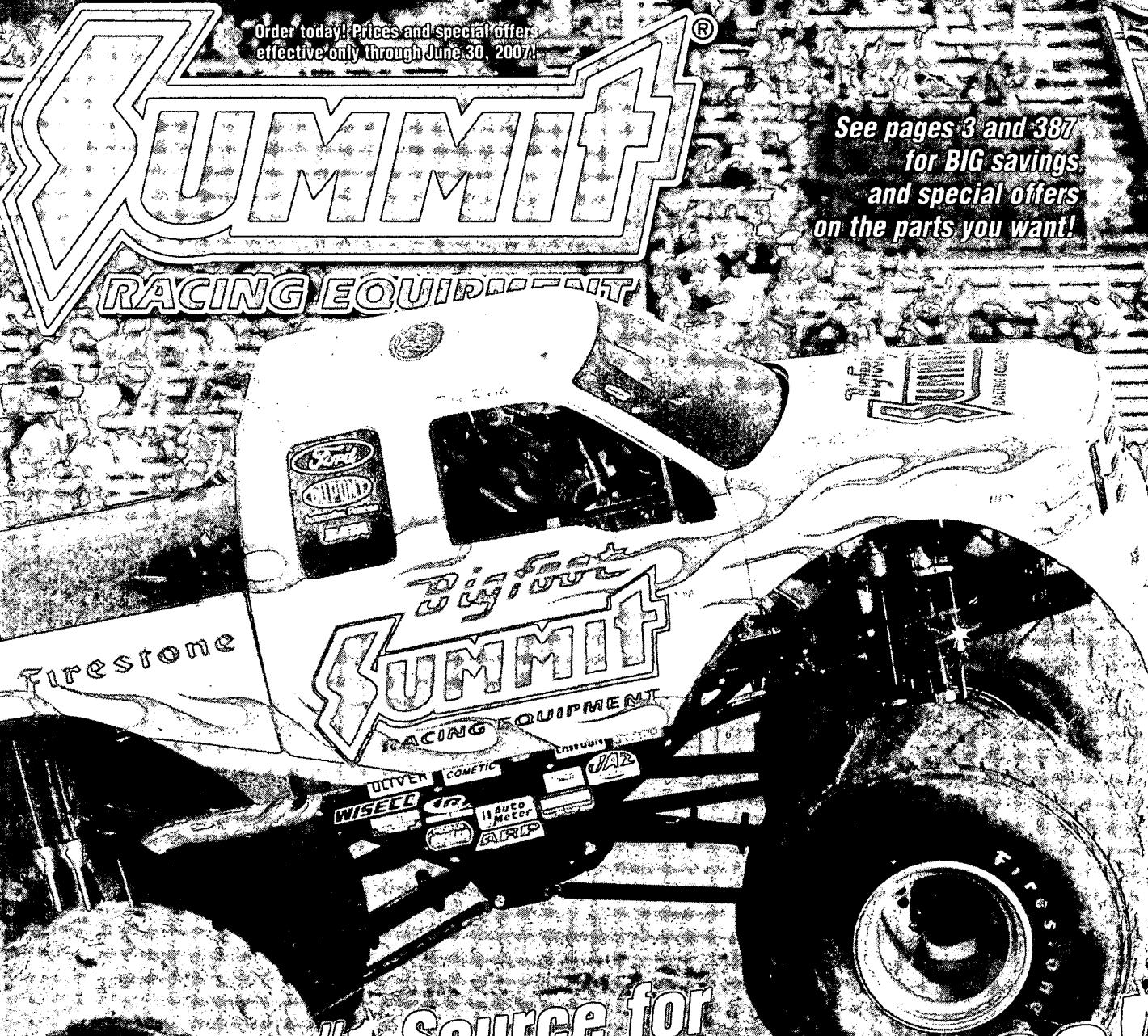
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Inside: Behind the Scenes at BIGFOOT Headquarters!

Appendix E

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Inventor markets 'rugged' product

JEAN SPENNER
THE SAGINAW NEWS



The part lifts the nose of the truck, giving it a new profile

while making it more rugged, the Bay City man said.

Verbowksi graduated Wednesday from a 10-week course — "Starting a home-based and small business" — offered through the Saginaw County Minority Business Development Center.

The torsion bar is a long, straight bar fastened to the frame at one end and to the

suspension at the other. In effect, it is merely an uncoiled spring that works like a coil to hold up a vehicle.

The spring action in the torsion bar is produced by twisting the bar.

Standard torsion bar levers can raise a vehicle about one inch. Verbowksi's invention can more than double that lift.

Having a manufacturer in the class is a little unusual, said Kathy TenWolde, director of the minority business center. Even more unusual to have someone so far along in the start-up process.

"It just goes to show they're realizing the nitty-gritty of how to run the business and the hands-on knowhow is

important," she said.

The MaxxCam2 for Chevrolet and GMC vehicles, the RammCam for the Dodge

part for the design, already

patent for the design, already

please see INVENTION, A4 ▶

FROM A13

Invention

Mid-Michigan firms help with product

has sold about 1,500 of the torsion bar levers.

The two-piece interchangeable hub can rotate in different positions. That allows the vehicle owner to get just the right profile on his truck.

"I came about this product when I had a number of customers ask 'Can you make my truck more rugged?'" Verbowksi said. His customers also expressed displeasure with the "nose down" profile of their late-model vehicles.

"This will elevate the front end to match the back," Verbowksi said. "It's a leveling kit that goes on the front end."

For example, it gives a truck with a snowplow blade more ground clearance, he said. It also could benefit sportmen who go off-road or construction workers carrying heavy loads.

It also helps allow clearance when the owners place larger tires and wheels on the vehicles, Verbowksi said.

The torsion bar lever sells for about \$250 and needs professional installation, which can cost up to another \$120, Verbowksi said.

"A truck is a work horse, and this makes trucks more rugged," he said. "It makes the truck more appealing to the eye. So many trucks today have gotten more carlike."

As far as his role as inventor goes, "all auto technicians are inventors," Verbowksi said. "When you bring your car to an auto mechanic and he fixes it, he's done something better than what the factory has done."

Saginaw Valley companies that have contributed to the MaxxCam2's formation include Acras Cast Inc., a metal casting plant in Bay City; Hi-Tech Steel Treating, 2720 Roberts in Saginaw, which heat treats the parts; and Industrial Coating Inc., 6051 Dixie in Boardport Township.

Ranger Tool & Die, 317 S. Westervelt in Zilwaukee, did

engineering on the product.

Larry's Auto Supply, 1020 Walnut in Saginaw, is the distributor for the Saginaw Valley, while Holt Technology Solutions, 3075 Boardwalk in Saginaw Township, created its Web site.

Verbowksi said he gets support from his wife, Diane, who helps keep him on task, and their sons, John, 16, and Jason, 13, who help in the packaging of the torsion bar lever.

Verbowksi, 41, asked many questions, she said. "He wanted to know all the details," TenWolde said. "He had a lot of enthusiasm."

Debut is next week

Ram and FXCam for Ford's

F150 will have a formal debut

at the Specialty Equipment

Marketing Association after-

market show Friday and Sat-

urday, March 24-25, in Indi-

anapolis, he said.

But Verbowksi, who won a

patent for the design, already

please see INVENTION, A4 ▶